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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,155	08/24/2001	Brian A. Hansche	IRI05446	4168

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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
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PHOENIX, AZ 85018

EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/939,155	Applicant(s) HANSCH ET AL.	
	Examiner Chad Zhong	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 112, second paragraph

4. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is murky or not clearly understood:

- i. As per claim 19, line 11, "he" should be changed to "the"

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

15. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Coussement, US 2002/0114441.

16. As per claim 1, Coussement teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting by the first user a subscribe message for presence information of a second user to a presence proxy ([0067]);

transmitting by the presence proxy (see for example, Fig 2, item 18) the subscribe message to a presence agent, the presence agent (see for example, Fig 2, item 16) related to the second user ([0067], wherein proxies are tracking statuses of network nodes); and

transmitting by the presence agent the presence information to the presence proxy ([0070]).

17. As per claim 2, Coussement teaches the method for obtaining presence information as claimed in claim 1, wherein there is further included the step of transmitting by the presence proxy the presence information to the first user ([0067], wherein information is transmitted to requesting application).

18. As per claim 3, Coussement teaches the method for obtaining presence information as claimed in claim 1, wherein there is further included the steps of:

storing by the presence proxy the presence information ([0067], tracking of states implies storage of states on the proxies); and

transmitting the stored presence information to the first user at a later time ([0067], this process of gathering and release of gathered information does not occur in real time.).

19. As per claim 4, Goussement teaches the method for obtaining presence information as claimed in

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claim 1, wherein the step of transmitting by a first user a subscribe message for presence information of a second user includes the step of transmitting by the first user the subscribe message for presence information of a plurality of second users, at least one of said plurality of second users being located in a second network ([0075]).

20. As per claim 5, Coussment teaches the method for obtaining presence information as claimed in claim 4, wherein the step of transmitting by the presence proxy the presence information to the first user further includes the step of transmitting by the presence proxy a plurality of response messages to the first user, each of the plurality of response messages including presence information of one of the plurality of second users ([0067]; [0075]).

21. As per claim 6, Coussment teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting by the presence proxy a single response message including the presence information of each of the plurality of second users ([0076]). The remainder of claim 6 is rejected for the same reasons as rejection to claim 1 above.

22. As per claim 7, Coussment teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included the step of transmitting by each of the plurality of presence agents the presence information corresponding to at least one of the plurality of second users to the presence proxy ([0067]).

23. As per claim 8, Coussment teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included a step of storing by the presence proxy the presence information of each of the plurality of second users ([0067]).

24. As per claim 9, Coussment teaches the method for obtaining presence information as claimed in

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claim 8, wherein the step of transmitting a single response message includes the steps of:

forming said single response message including the presence information of each of said plurality of second users ([0076]); and

transmitting the formed single response message to the first user ([0076]).

25. As per claim 10, claim 10 is rejected for the same reasons as rejection to claim 4 above.

26. As per claim 11, claim 11 is rejected for the same reasons as rejection to combination of claims 1 and 6 above.

27. As per claims 12-13, claims 12-13 are rejected for the same reasons as rejection to claim 7, 9 above respectively.

28. As per claim 14, Coussment teaches the method for obtaining presence information as claimed in claim 11, wherein the step of transmitting by the first user an identity of a list includes the step of indicating by the first user the identity of one of a plurality of lists of second users for which to obtain presence information ([0067]; wherein the originator must know what devices to monitor/track in the first place).

29. As per claim 15, claim 15 is rejected for the same reasons as rejection to claim 4 above.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coussement, US 2002/0114441, in view of 'Official Notice'.

32. As per claim 16, Coussment teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user ([0067]);

transmitting the notify message by the presence proxy to the first user ([0067]); and

33. Coussment does not explicitly teach:

storing the presence information of the second user by the presence proxy, if the presence proxy fails to receive an acknowledgment message from the first user (although there is strong suggestion of doing so in pg 8, [0080], wherein there can be plurality of user agents connected to plurality of presence proxies, thus information is stored on a proxy if agent or proxy experiences technical difficulties for whatever reason). It would have been obvious to the person ordinary skilled in the art at the time of invention to teach the above limitation. The method of doing so would act as a backup to the present state information, so when the device is activated at a later point in time, previously stored state information will be present to continue normal operation.

34. As per claim 17, Coussment does not explicitly teach the method for obtaining presence information as claimed in claim 16 wherein there is further included a step of regaining access by the first user to the presence proxy through the first network. However, "Official Notice" is taken that the concept and advantages of providing for recovery procedure after is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include this recovery procedure with Coussment because it would provide for re-utilization of the original equipment upon recovery.

Furthermore, it would have been obvious to re-establish connection after failure, and when said recovery procedure is completed system can go back to normal operations based on the last saved state/presence information.

34. As per claim 18, Coussment teaches the method for obtaining presence information as claimed in claim 17 wherein there is further included the step of transmitting a subscribe message by the first user, the subscribe message including a request for presence information of a third user ([0067]).

35. As per claim 19, Coussment teaches the method for obtaining presence information as claimed in claim 18 wherein there is further included the steps of:

responsive to the step of transmitting a subscribe message for presence information of the third user, transmitting by the presence proxy a subscribe message for presence information of the third user to a presence agent; and

transmitting by the presence agent a response message to the presence proxy, the response message including the presence information of the third user ([0066-0067]).

36. As per claim 20, Coussment teaches the method for obtaining presence information as claimed in claim 19 wherein there is further included the step of transmitting by the presence proxy to the first user the presence information of the third user and the presence information of the second user ([0076]).

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "PRESENCE WATCHER PROXY".

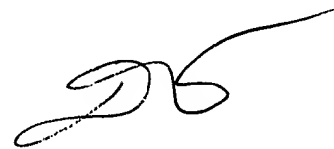
- i. US 6564261 Gudjonsson et al.
- ii. US 2001/0034771 H[0092]tsch et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
November 5, 2004



Dung C. Dinh
Primary Examiner